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8 **UNITED STATES DISTRICT COURT**
9 **WESTERN DISTRICT OF WASHINGTON**
10 **AT TACOMA**

11 JOHN DOE # 1, an individual;
12 JOHN DOE # 2, an individual; and
13 PROTECT MARRIAGE
14 WASHINGTON,

15 Plaintiffs,

16 v.

17 SAM REED, in his official capacity as
18 Secretary of State of Washington; and
19 BRENDA GALARZA, in her official
20 capacity as Public Records Officer for
21 the Secretary of State of Washington,

22 Defendants.

NO. 09-cv-5456-BHS

ORDER GRANTING
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT

(PROPOSED)

BEFORE THE COURT is Defendants' Motion for Summary Judgment.

James Bopp Jr., Jared M. Haynie and Stephen Pidgeon appeared on behalf of the Plaintiffs, and Robert M. McKenna, Attorney General, Anne Egeler, Deputy Solicitor General, and William Clark, Senior Counsel, appeared on behalf of the Defendants. Leslie Weatherhead, Duane Swinton and Steven Dixon appeared on behalf of the Washington Coalition for Open

1 Government. Kevin Hamilton and William Stafford appeared on behalf of Washington
2 Families Standing Together.

3 Based on an examination of the briefs and supporting documents submitted to the
4 court, and after consideration of argument of counsel, it is established that there is no genuine
5 issue as to any material fact, that Plaintiffs have no claim and that the Defendants are entitled
6 to judgment as a matter of law on Count II of the Plaintiffs' Complaint.

7 IT IS HEREBY ORDERED that Defendants' Motion for Summary Judgment is
8 GRANTED. Count II of Plaintiffs' Complaint is dismissed, with prejudice.

9 **IT IS SO ORDERED.** The District Court Executive is directed to enter this order
10 and forward copies to counsel.

11 **DATED** this ____ day of _____, 2011.

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13 s/ Benjamin H. Settle
14 BENJAMIN H. SETTLE
United States District Judge
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